

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WESTERN KENTUCKY GAS COMPANY, A)	
DIVISION OF TEXAS AMERICAN ENERGY)	
)	
COMPLAINANT)	
)	
vs.)	CASE NO. 9046
)	
ORBIT GAS COMPANY, INC.)	
)	
DEFENDANT)	

O R D E R

On May 4, 1984, Western Kentucky Gas Company ("Western"), a division of Texas American Energy, filed a complaint against Orbit Gas Company ("Orbit"). The complaint alleged Orbit is acting as a utility as defined by KRS 278.010(3)(b) and, thus, subject to regulation by the Commission. Orbit answered by denying its activities qualify it for regulation. A hearing was held on October 25, 1984.

The central issue in this proceeding is whether Orbit's sales of natural gas, primarily through a 65 mile pipeline, which is the subject of an application for certificate of convenience and necessity by Western in Case No. 9075, are the type of sales which would bring Orbit within the parameters of regulation.


Because the pipeline in question is being purchased by Western and the Commission has approved that purchase by issuing

a certificate of convenience and necessity in Case No. 9075, the issue in this case becomes moot. Without the pipeline, Orbit will no longer serve the industrial and easement customers which, according to Western's complaint, qualify Orbit for jurisdiction by the Commission. Upon transfer of the pipeline to Western those customers now being served by Orbit will be served by Western which is and will continue to be regulated.

Having reviewed the record in this proceeding, IT IS ORDERED that Western's complaint be and it hereby is dismissed as moot.

Done at Frankfort, Kentucky, this 23rd day of January, 1985.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary